



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Mamburao, Occidental Mindoro

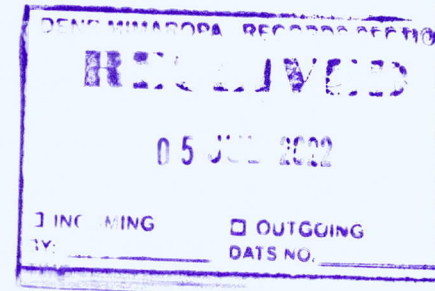
JUN 20 2022

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
1515 L & S Building, Roxas Blvd.
Ermita, Manila

FROM : The OIC PENR Officer

SUBJECT : **APPREHENSION REPORT OF UNDOCUMENTED FOREST PRODUCTS (8 PIECES OF NATO, 11 PIECES OF LAWAAN AND 8 PIECES OF MALUGAI LUMBER) WITH A TOTAL VOLUME OF 517 BOARD FEET AT SITIO TABUK, BARANGAY BUENAVISTA, SABLAYAN, OCCIDENTAL MINDORO**



Respectfully forwarded herewith is the memorandum from CENR Officer Anastacio A. Santos dated June 03, 2022 regarding the above-cited subject.

The Administrative Case and Criminal Case were filed against Mr. Reynante T. Zurbito for violation of Section 77 of PD 705 as amended by RA 7161 and DAO 97-32, series of 1997.

For your information and record


ERNESTO E. TAÑADA



Republic of Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

JUN 03 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR-MIMAROPA Region
1515 L&S Bldg. Roxas Blvd. Ermita Manila

THRU : The Provincial Environment and Natural Resources Officer
Mamburao, Occidental Mindoro

FROM : The Community Environment and Natural Resources Officer
Sablayan, Occidental Mindoro

SUBJECT : **APPREHENSION REPORT OF UNDOCUMENTED FOREST PRODUCTS (8 PIECES OF NATO, 11 PIECES OF LAWAAN AND 8 PIECES OF MALUGAI LUMBER) WITH A TOTAL VOLUME OF 517 BOARD FEET AT SO. TABUK, BRGY. BUENAVISTA, SABLAYAN OCCIDENTAL MINDORO**

RECORDED
Date: 6-6-22
By: [Signature]

Respectfully submitted herewith is the detailed report on the administrative case and criminal case filed against Mr. Reynante T. Zurbito, together with other enclosures, to wit:

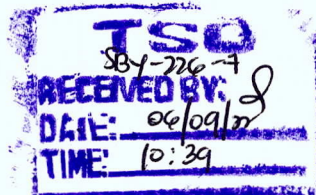
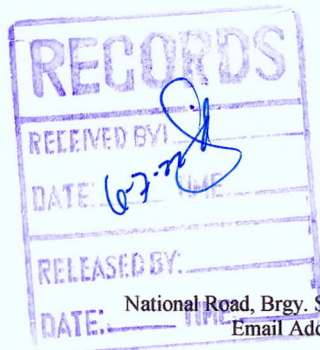
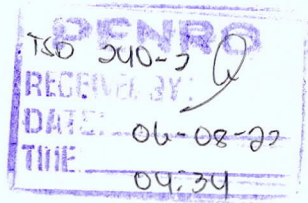
- I - Completed Staff Work (CSW)
- II- Administrative Hearing conducted on November 29, 2021.
- III- Criminal Case docketed as Criminal case No. R-10982.

- 1. Apprehension Receipt
- 2. Seizure Order
- 3. Seizure Receipt
- 4. Pictures and other attachment

Based on the CSW Report, we hereby recommend that all forest products be forfeited in favor of the government.

For your information, evaluation, and further action, if any.

FOR. ANASTACIO A. SANTOS, MPA



**COMPLETED STAFF WORK REPORT ON THE APPREHENDED
UNDOCUMENTED FOREST PRODUCTS, IN VIOLATION OF SECTION 77 OF
PD 705 AS AMENDED BY RA 7161 AND DAO 97-32, SERIES OF 1997**

I. HISTORY

This is in relation to Administrative Case No. 2021-11-29-01 for violation of Section 77 of PD 705 as amended by RA 7161 and DAO 97-32, series of 1997.

The case was filed against Reynante T. Zurbito.

That on August 11, 2021, at around 11:20 in the evening, the joint force of DENR Enforcement and Monitoring Section, Sablayan Area headed by Forest Ranger Jeffrey B. Vargas, Forest Technician I Rodel S. Capiral and the Sablayan Municipal Police Station apprehended undocumented forest products at So. Tabuk Barangay Buenavista, Sablayan Occidental Mindoro.

During the apprehension, it was found out that the accused was found in possession and custody of 8 pieces of Nato, 11 pieces of Lawaan and 8 pieces of Malugai lumber. He was asked if he have a permit to carry the said lumber and he answered in the negative.

The DENR personnel immediately apprehended the illegal forest products. It was brought to the Office of the Provincial Prosecutor at San Jose, Occidental Mindoro for safekeeping and proper disposition.

The accused was arrested and also brought to the Office of the Provincial Prosecutor at San Jose, Occidental Mindoro for inquest proceeding.

On August 12, 2021, the San Jose Regional Trial Court Branch 45 issued an information against Reynante T. Zurbito for violation of Section 77, PD 705. The case was docketed as Criminal Case No. R-10982.

The administrative hearing for the above apprehended illegal forest products was held on November 29, 2021 at the DENR-CENRO Sablayan Main Office. Forester III Isaias A. Guimod acted as the hearing officer, assisted by EMS Chief Ariston SJ. Ramos. The accused was present and given the chance to explain himself.

OBSERVATION/FACTS

1. That the operatives of DENR Enforcement and Monitoring Section, Sablayan Area and Sablayan Municipal Police Station conducted an anti-illegal logging operations at So. Tabuk Barangay Buenavista, Sablayan Occidental Mindoro where they apprehended undocumented forest products.
2. That during the apprehension, the accused, Reynante T. Zurbito was arrested.
3. That during the apprehension, it was found out that the accused was in possession of undocumented forest products. (8 pieces of Nato, 11 pieces of Lawaan and 8 pieces of Malugai lumber)
4. That possessing undocumented illegal forest products is a crime under Section 77 of PD 705 as amended by RA 7161.

5. That during the Administrative hearing, Mr. Zurbito admitted that he owns a lumberyard and that the apprehended forest products were delivered to him for banca (boat) making.
6. That when asked who the owner of the banca was, he said that it is for former Barangay Councilor Alegre.
7. That the accused was arrested and brought to the Office of the Provincial Prosecutor at San Jose, Occidental Mindoro for inquest proceeding.
8. That an Information was issued against the accused on August 12, 2021. The case was docketed as Criminal case No. R-10982.

II. SUMMARY OF ADMINISTRATIVE PROCEEDINGS

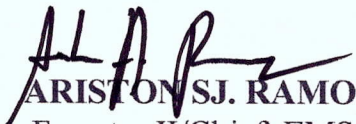
It appears that the accused were caught during the illegal logging operations by the joint force of DENR Enforcement and Monitoring Section, Sablayan Area and Sablayan Municipal Police Station. He was caught in possession of undocumented forest products which is in violation of Section 77 of PD 705 as amended by RA 7161.

Section 77 clearly states that possessing forest products without proper documents or permit from the proper authority is a violation under PD 705.

III. RECOMMENDATION

Based on the above statement of facts, administrative hearing and criminal case filed, it is hereby recommended that all forest products be forfeited in favor of the government.

Prepared by:


ARISTON S.J. RAMOS
Forester II/Chief, EMS

Noted by:


ISAIAS A. GUIMOD
Hearing Officer

ADMINISTRATIVE ADJUDICATION

For Violation of P.D. 705 & R.A 9175
Administrative Case No. : 2021-11-29-01

ANG ADMINISTRATIBONG PAGDINIG AY GINANAP NGAYONG IKA-29 NG NOBYEMBRE 2021 SA GANAP NA IKA- 1:30 NG HAPON SA TANGGAPAN NG DENR-CENRO SABLAYAN OFFICE, SABLAYAN OCCIDENTAL MINDORO SA LAYUNING MABIGYAN NG LINAW ANG ILANG BAGAY TUNGKOL SA NAHULING 517 BD. FT. NA NATO, LAWAAN AT MALUGAI NG PINAGSAMANG PWERSA NG SABLAYAN MUNICIPAL POLICE STATION AT DENR-CENRO SABLAYAN.

PAALALA:

Ginoong Reynante Zurbito, kayo po ay inimbitahan na dumalo sa pagdinig na ito upang marinig ang inyong panig ukol sa pagkakahuli ng 27 na pirasong Nato, Lawaan at Malugai na humigit kumulang 517 bdft, na nahuli ng grupo ng Sablayan MPS at DENR-CENRO Sablayan.

Sa ilalim ng saligang batas karapatan ninyo na sumagot o manahimik lamang sa mga katanungan sa inyo. Ang inyong mga sasabihin o isasagot ay maaaring gamitin pabor o laban sa inyo sa anumang hukuman. Maaari rin kayong kumuha ng inyong abogado upang magbigay gabay legal sa inyo. Kung wala naman kayong kakayahan, bibigyan kayo ng estado sa pamamagitan ng request sa Public Attorney's Office (PAO).

1.TANONG: Naiintindihan mo ba ang iyong karapatan?

SAGOT: Opo.

2. TANONG: Ikaw ba ay handang magsabi ng katotohanan at pawang katotohanan lamang?

SAGOT: Opo.

3. TANONG: Kung ganon maaari na po ba tayong magpatuloy sa pagdinig kahit wala po kayong kasamang abogado?

SAGOT: Opo.

4. TANONG: Kayo po ba ay nakakaintindi ng tagalog?

SAGOT: Opo.

5. TANONG: Kayo po ba ay marunong magbasa at magsulat?

SAGOT: Opo.

6. TANONG: Maaari mo bang ipakilala ang inyong sarili?

SAGOT: Opo, ako po si Reynante Zurbito, 48 taong gulang, may asawa at mga anak at permanenteng nakatira sa So. Tabuk, Brgy. Buenavista, Sablayan, Occidental Mindoro.

7. TANONG: Ano po ang inyong ikinabubuhay?

SAGOT: Pagkakarpentero po.

8. TANONG: Maliban sa pagkakarpentero ano pa?

SAGOT: Wala na po.

9. TANONG: Mr. Zurbito bakit po kayo naririto ngayon sa aming tanggapan?

SAGOT: Dahil po paglabag sa kahoy.

10. TANONG: Ano po ba ang inyong paglabag?

SAGOT: Dahil po sa kahoy na nasa aking bahay, ang mga iyon po ay ginagawa kung bangka.

11. TANONG: Ano po bang kahoy ang nakita sa inyo?

SAGOT: Malugai, Nato at Lauan po.

12. TANONG: Sino po ang nakakita nito sa inyo?

SAGOT: Ang pumunta po sa amin ay mga police.

13. TANONG: Taga saan po ang mga police?

SAGOT: Police po ng Sablayan.

14. TANONG: Ano po ang nangyari noong pumunta po ang mga police sa inyo?.

SAGOT: Ipinaliwanag po nila ang aking paglabag, tapos nakiusap po kami sa kanila na sabi ko po hindi sa amin ang mga kahoy, pinapagawa lang sa akin dahil nga po may tistisan ako.

15. TANONG: Saan po banda nakita ang mga kahoy na ito?

SAGOT: Sa loob po ng bakuran ko.

16. TANONG: Hinanapan po ba kayo ng mga permit hinggil sa mga nakita nilang kahoy?

SAGOT: Hinanapan po ako, pero wala po akong naipakita.

17. TANONG: Bakit wala po kayong naipakita?

SAGOT: Kasi po iba-iba po ang may-ari ng mga kahoy, dinadala lang po nila sa bahay para po ipagawa.

18. TANONG: Matatandaan po ba ninyo kung kailan po ito nangyari?

SAGOT: August 11, 2021 po.

19. TANONG: Kilala ninyo po ba ang mga police na pumunta sa inyo?

SAGOT: Hindi po.

20. TANONG: May kasama po ba silang mga taga DENR?

SAGOT: Meron po.

21. TANONG: Kilala ninyo po ba sila?

SAGOT: Opo, sila Rodel Capiral po.

22. TANONG: Ano po ang ginawa nila?

SAGOT: Noong poposasan na po ako ng mga police, nagsukat na po sila.

23. TANONG: Gaano po kadamang kahoy ang nakuha nila sa inyo.

SAGOT: Nasa 517 board feet po iyon.

24. TANONG: Magkano po ang halaga ng mga kahoy na iyon?

SAGOT: Mga 30 thousand po.

25. TANONG: Kanino pong bangka ang ginagawa ninyo?

SAGOT: Kay dating kagawad na Alegre po.

26. TANONG: Nakasuhan po ba kayo?

SAGOT: Opo.

27. TANONG: Nakulong po ba kayo?

SAGOT: Opo.

28. TANONG: Ilang araw po kayong nakulong?

SAGOT: Bale 2 gabi po.

29. TANONG: Magkano po ang inyong piyansa?

SAGOT: 50 thousand po.

30. TANONG: Meron pa kayong gustong idagdag?

SAGOT: Wala na po

31. TANONG: Kung sakaling ipapatawag ka naming muli. Kung kulang pa ang mga sinalaysay mo sa amin ay handa kabang bumalik upang makipagtulungan sa amin?

SAGOT: Opo.

32. TANONG: Handa po ba kayong lagdaan itong isinalaysay po ninyo sa amin?

SAGOT: Opo.

Sinumpaan at nilagdaan ngayong ika-29 ng Nobyembre taong 2021 sa ganap na ika-1:55
ng hapon sa tanggapan ng DENR-CENRO Sablayan, Occidental Mindoro.


REYNANTE ZURBITO
Nagsalaysay

SAKSI:

Hearing Officer:


ARISTON S.J. RAMOS
Forester II/Chief, EMS


ISAIAS A. GUIMOD
Forester III/Technical Services Supervisor


TOMAS RENDON-III
LMO I

Republic of the Philippines
SUPREME COURT
REGIONAL TRIAL COURT
Branch 41
San Jose, Occidental Mindoro

PEOPLE OF THE PHILS.,
Plaintiff,

CRIM. CASE NO. R-10982

- versus -

- for -

REYNANTE ZURBITO y Taneo,
(detained at MPS Sablayan,
Occidental Mindoro)

VIOLATION OF SECTION 68,
PD 705

Accused.

X-----X

INFORMATION

The undersigned accuses **REYNANTE ZURBITO y Taneo**, of Violation of Section 68, PD 705, committed as follows:

That on or about the 11th day of August, 2021, at around 11:20 o'clock in the evening, in Sitio Tabuk, Barangay Buenavista, Municipality of Sablayan, Province of Occidental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the accused, with intent to gain, did then and there, willfully, unlawfully and feloniously, have in his possession, custody and control eight (8) pieces 2x6x20 Nato lumber, eleven (11) 2x6x16 Lawaan lumber, five (5) pieces 2x6x23 Malugai lumber, and three (3) pieces 2x6x22 Malugai lumber, with total volume of 517 board feet, amounting to THIRTY ONE THOUSAND AND TWENTY PESOS (P31,020.00) Philippine Currency, without any permit or authority from the Secretary of Environment and Natural Resources or his duly authorized representative which is violation of PD 705 as amended, to the damage and prejudice of the Philippine Government.

CONTRARY TO LAW.

San Jose, Occidental Mindoro. August 12, 2021.

ROBERTO P. EVANGELISTA

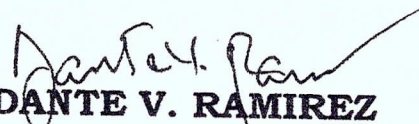
Prosecutor I

Roll No. 58413

IBP No. 143352/Jan. 8, 2021

MOLE CASE NO. 143352-01

Approved:


DANTE V. RAMIREZ
Provincial Prosecutor

Roll No. 35426

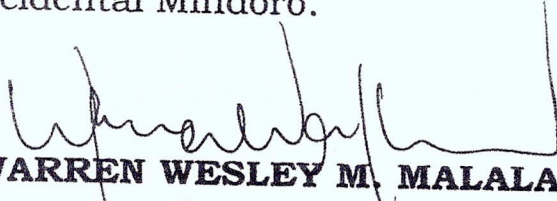
MCLE Compliance No. VI-0002079

I hereby certify that I have examined the affidavit/sworn statement of the complainant and other supporting evidence and found out that this case is proper for inquest, and that a prima facie case exist against the accused.

I further certify that the foregoing information is being filed against herein accused in accordance with the provision of Section 7 of Rule 112 of the Revised Rules on Criminal Procedure.


ROBERTO P. EVANGELISTA
Prosecutor I

SUBSCRIBED AND SWORN to before me this 12th day of August, 2021 at San Jose, Occidental Mindoro.


WARREN WESLEY M. MALALAD
Prosecutor I

Roll No. 61829

IBP No. 143353/Jan. 8, 2021

MCLE Exemption No. VI-001373/02-04-19

Valid Until April 14, 2022

WITNESSES:

1. Rodel S. Capiral.....DENR-CENR Office, Sablayan,
Occidental Mindoro
2. Jeffrey B. Vargas..... - do -
3. Oliver E. Manayan..... - do -
4. Aurora B. Alburo.....Buenavista, Sablayan, Occ. Mindoro
5. Pat Ralph T Advincula.....MPS Sablayan, Occ. Mindoro
6. And others.

BAIL RECOMMENDED: P50,000.00



APPREHENSION RECEIPT

CENRO Control no:	CS08-08-11-2021
E-FMS No:	

This APPREHENSION RECEIPT is issued to-

Name	Address	Civil Status	Date of Birth/Age	Participation	Status of the Person
REYNANTE DNEO ZURBITO	SO. TABUK, BRGY. BUENAVISTA, SABLAYAN, OCCIDENTAL MINDORO	MARRIED	46		Detained / For Inquest

Pursuant to the provision of Section 77 of P.D.705 as amended by E.O. No. 277 and DENR Administrative Order No. 97-32 Series of 1997 for the following Forest Products, Conveyances, - Machinery/Equipment, Tools and Implements that have been apprehended, to wit

1. Forest Products

MAJOR FOREST PRODUCTS								
Kind	Item:	Source/Origin of Forest Products	Species	Pieces	Volume/Unit of Measurement	Esimated Value	Impound ing Area	Custodian
LUMBER		SO. TABUK,	NATO	8	2X6X20 = 160 Bd-Ft.	Php. 31,020.00		
		BRGY. BUENAVISTA,	LIUKAN	11	2X6X16 = 176 Bd-Ft.			
		SABLAYAN,	MALUGAI	5	2X6X23 = 115 Bd-Ft.			
		OCCIDENTAL	MALUGAI	3	2X6X22 = 66 Bd-Ft.			
		MINDORO		27	517 Bd-Ft.			

Minor Forest Products					
Kind	Source/Origin of Forest Products	Species	Pieces	Estimated Value	Custodian
		N/A			

Conveyance Involved					
Type	Make/Model/Year	Plate No.	Color/Markings	CR No.	OR No.
		N/A			

Conveyance Involved (Additional Details)			
Engine No.	Chassis	Accessories	Custodian
		N/A	

If Animal					
KIND	QUANTITY	GENDER	AGE(ADULT/YOUNG)	COLOR	CUSTODIAN
		N/A			

Equipment Involved			
Type	Quantity	Details	Custodian
		N/A	

Implements Involved			
Type	Quantity	Details	Custodian
		N/A	

2. The subject Forest Products and other items have undergone the following Apprehension proceedings.

APPREHENSION						
Date and Time of Apprehension	Place of Apprehension				Apprehending Officer	Legal Basis for Apprehension
	Province	City/Municipality	Barangay	Sitio		
AUGUST 11, 2021 AT 11:20 PM	OCCIDENTAL MINDORO	SABLAYAN	EUFENAVISTA	TABUK	RODEL S. CAPPA FTI JEFFREY B. VARGAS FR	VIOLATION OF SEC. 77 OF P.D. 705

Is/ are hereby declare under apprehension on the following FACTUAL reason:

- * UNDOCUMENTED
- * _____
- * _____

The subject forest products, conveyance, machinery/equipment, tool and implements and others apprehended should be kept and protected from defacement in any manner, destruction or loss and should not be altered or removed until otherwise ordered by the Secretary of the Department of Environment and Natural Resources or his duly authorized representative.

Done this 11th of day of AUGUST, 2021

(Print and Signature)

1. RODEL S. GAPIRAL

Address: DENR-CENRO SBY. OCC. MOD

3. OLIVER F. MANAYAN

Address: DENR-CENRO SBY. OCC. MOD

5. _____

7. _____

9. _____

11. _____

13. _____

15. _____

2. JOSE B. VARGAS

Address: DENR-CENRO SBY. OCC. MOD

4. PAT BALIN ADVINCULA

Address: SABLAYAN MUNICIPAL TRUCK STATION

6. _____

8. _____

10. _____

12. _____

14. _____

16. _____

OWNER/CLAIMANT REPRESENTATIVE/DRIVER

1. REYNANTE TONIO ZURBATO

Address: SO-TABUK RBLT. BUENAVISTA
SABLAYAN, OCCIDENTAL MINDORO

2. _____

Address: _____

WITNESSES: (Print Name and Signature)

1. _____

Address: _____

3. _____

Address: _____

2. _____

Address: _____

4. _____

Address: _____

NOTE:

1. The owner/possession and/or claimant of the apprehended articles are hereby requested to see the nearest CENRO/PENRO at their Office and is given three (3) days from the date of apprehension.



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

SEIZURE ORDER

CENRO Control No.:

E-FMS No:

Pursuant to the provision of P.D. 705 as amended by E.O. No. 277 and DENR Administrative Order No. 97-32 the following forest products are hereby ordered seized, to wit:

FACTS

1. Forest Products:

MAJOR FOREST PRODUCTS

Kind	Item:	Source/ Origin of Forest Products	Species Grouping	Species	Pieces	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodian
LUMBER		So. TABUK BRGY. BUENAVISTA SABLAYAN, OCCIDENTAL MINDORO		NATO LAWAAN MALUGAI MAKUGAI	8 11 5 3 27	2x6x20=160 Bd.Ft. 2x6x16=176 Bd.Ft. 2x6x23=115 Bd.Ft. 2x6x22=66 Bd.Ft. 517 Bd.Ft.	Php. 31,220.00		

Minor Forest Products

Kind	Unit of Measurement	No. of Units	Estimated Value	Custodian
		X/A		

Conveyance Involved

Type	Make/ Model/ Year	Plate No.	Color/Markings	CR No.	OR No.
			X/A		

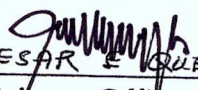
Examination Conducted by Seizure Officer:

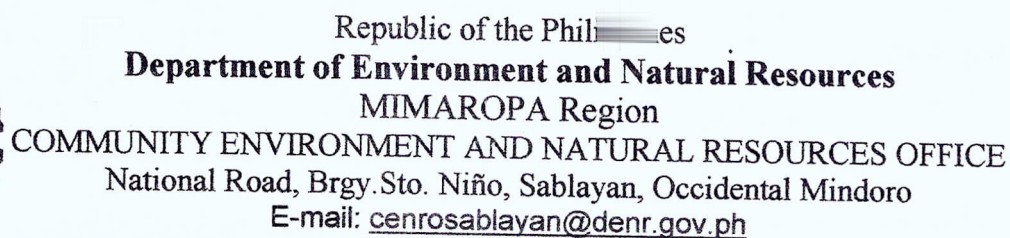
Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated _____ and all relevant documents submitted, and after examining personally the apprehending officers and witnesses of the apprehension about the violation committed, it was determined that there is prima facie evidence that existing laws and DENR regulations have been violated and that the offender is probably guilty thereof.

Hence, the foregoing forest products/conveyance/equipment/implement are hereby ordered seized and now under government custody (except government-owned vehicles).

So ordered this 12 day of AUGUST, year 2021 at CENRO Sablayan, Occidental Mindoro.


CAESAR E. QUEBEC
Seizure Officer



No. _____

A. FOREST PRODUCTS

Species	No. of Pieces	Dimension	Volume (BdFt)	Estimated Value
NATO	8	2x6x20	160	
LAWAAN	11	2x6x16	176	
MALUGAI	5	2x6x23	115	Pbp. 31,020.00
MALUGAI	3	2x6x22	66	
TOTAL	27		517 Bd.Ft.	

Name/Address of on-site offenders and nature of participation:

NAME	ADDRESS	NATURE OF PARTICIPANT
1. REYNANTE TANEZ ZURBITO	50. TABUK BRGX BUENAVISTA SABLAYAN OCC. MDO.	
2.		
3.		
4.		
5.		



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

B. CONVEYANCE

Name of Registration/Owner: _____
Address: _____
Type of Vehicle: _____
Model: _____
Engine/Motor Serial No: _____
Chassis Serial No: _____
Certificate of Registration No: _____
Estimated Fair Market Value: _____
Plate No: _____

N/A

C. EQUIPMENT/TOOL AND OTHER IMPLEMENTS (Briefly describe the physical appearance and condition of each items and estimate fair market value).

The items were apprehended at SO. TABUK BRGY. BUENAVISTA SABLAYAN, OCC. MINDORO
(Place)
on AUGUST 11, 2021 at around 11:20 PM
(Date/Time)
Due to Violation of SEC. 77 OF PD 705 and the same items are
(State reason/s or offense committed)
delivered to _____ on _____.

Further, these apprehended items are now deposited at _____
for safe keeping.

That the undersigned hereby acknowledge that the above listed item(s) are now in ADMINISTRATIVE SEIZURE and that I, as authorized Seizing Officer, assume the possession and control for the custodial egis, pending the conduct of administrative proceedings for their disposition.

Therefore issue this Seizure Receipt No. _____ this AUGUST 12, 2021
At DENR-CENRO Sablayan, Occidental Mindoro.

CAESAR E. QUEBEC
Seizure Officer

